

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 94-344-T - ORDER NO. 94-1161 ✓

NOVEMBER 3, 1994

IN RE: Application of K.B.D. Services, Inc., 518) ORDER
Reedy Creek Road, P.O. Box 1334, Cary, NC) GRANTING
27512-1334, for a Class E Certificate of) CERTIFICATE
Public Convenience and Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by K.B.D. Services, Inc. (the Applicant) for a Class E Certificate of Public Convenience and Necessity to render motor freight service over irregular routes only, as follows:

COMMODITIES IN GENERAL, AS DEFINED IN R.103-211(1); ALSO
EXCLUDING COMMODITIES NORMALLY TRANSPORTED IN ARMORED
VEHICLES: Between points and places in South Carolina.

Subsequent to the initiation of this proceeding, the Commission Staff instructed the Applicant to cause to be published a prepared Notice of Filing in certain newspapers of general circulation in the State of South Carolina. The Notice of Filing indicated the nature of the Application and advised all interested parties desiring to participate in the proceeding of the manner and time in which to file the appropriate pleadings. Petitions to Intervene were filed by Bankair Courier, Inc. (Bankair), Anderson Armored Car, Inc. (Anderson), and Acme Delivery Service, Inc. d/b/a Acme Courier Express (Acme). All the Intervenors have subsequently filed letters withdrawing their Interventions. The Intervenors cite as the reason for withdrawing their Petitions to

Intervene the passage of the Federal Aviation Administrative Authorization Act of 1994 which becomes effective January 1, 1995, and which pre-empts states from regulating the price, route, or service of motor carriers transporting property.

Upon consideration of the Application, the representations and the documentary evidence attached thereto, the Commission finds that the Applicant is fit, willing, and able to perform the service to the public under the authority sought. In so granting the Application, the Commission recognizes that the Federal Aviation Administrative Authorization Act of 1994, pre-empts Commission regulation of the transportation services sought by the Applicant effective January 1, 1995. Therefore, the Commission believes that it would be an exercise in futility to deny this Application.

IT IS THEREFORE ORDERED:

1. That the Application for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. §58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, within sixty (60) days of the date of this Order or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann., §58-23-10, et seq. (1976), as amended, and the applicable provisions of R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a

certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


CHAIRMAN

ATTEST:


Executive Director

(SEAL)